§ 852. New York state workforce investment board. 1. Creation and constitution. (a) The governor shall establish a board, within the department, to be known as the New York state workforce investment board. The board shall be composed of forty-nine members, including the following permanent members: the governor; two members of the senate, appointed by the temporary president of the senate; two members of the assembly, appointed by the speaker of the assembly; the commissioners of labor, education, of children and family services, temporary and disability assistance and economic development; the chair of the urban development corporation and the chancellor of the state university of New York.

(b) The remaining thirty-seven members of the board shall be appointed by the governor as follows:

(i) twenty-five representatives of business who:

(A) are owners of businesses, chief executives or operating officers of businesses, and other business executives or employers with optimum policymaking or hiring authority, including members of local workforce investment boards;

(B) represent businesses with employment opportunities that reflect the employment opportunities of the state;

(C) are appointed from among individuals nominated by state business organizations and business trade associations; and

(D) include one representative from each of the state's five largest industry sectors as determined by the department;

(ii) two chief elected officials (representing both cities and counties, where appropriate);

(iii) four representatives of labor organizations, who have been nominated by the New York State American Federation of Labor and Congress of Industrial Organizations;

(iv) two representatives of individuals and organizations that have experience with respect to youth activities, nominated by state youth organizations;

(v) two representatives of individuals and organizations that have experience and expertise in the delivery of workforce investment activities, including chief executive officers of community colleges and community-based organizations nominated by associations representing community colleges and community-based organizations within the state;

(vi) one member who is a veteran nominated from a list provided by the New York State American Federation of Labor - Congress of Industrial Organizations; and

(vii) one member with experience in mature worker issues nominated from a list provided by the New York State American Federation of Labor - Congress of Industrial Organizations.

(c) Members of the board that represent organizations, agencies, or other entities shall be members with optimum policymaking authority within such organizations, agencies or entities. The members of the board shall represent diverse regions of the state, including urban, rural and suburban areas.

(d) Members, excluding those specifically designated permanent members, shall be appointed for the following terms: ten members shall be appointed for one year; ten members shall be appointed for two years; and nineteen members shall be appointed for three years. Thereafter, the terms of new members or members reappointed shall be three years.

(e) The board membership of any appointee described in paragraph (b) of this subdivision shall cease upon a change in such member's qualifying status. In such event, the governor shall appoint a new member representing the same interest as that originally represented by such member.

(f) Any member appointed to fill a vacancy shall serve the balance of the term that was vacated.

(g) Members of the board shall receive no compensation, but shall be entitled to reimbursement for any necessary expenses incurred in connection with the performance of their duties.

(h) The board shall meet no less than quarterly each calendar year.

2. Chairperson. The governor shall select a chairperson for the board from among the representatives described in subparagraph (i) of paragraph (b) of subdivision one of this section.

3. Duties and responsibilities of the board. The board shall assist the governor in fulfilling the requirements of the federal Workforce Investment Act of 1998 (P.L.105-220) including:

(a) development of the state plan;

(b) development and continuous improvement of a statewide system of

activities that are funded under subtitle B of title I of the federal Workforce Investment Act of 1998 (P.L. 105-220) or carried out through a one-stop delivery system that receives funds under such subtitle, including:

(i) development of linkages in order to assure coordination and nonduplication among the programs and activities that comprise the one-stop delivery system; and

(ii) review of local plans;

(c) commenting at least once annually on the measures taken pursuant to paragraph fourteen of subdivision (b) of section one hundred thirteen of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C.2323 (b) (14));

(d) designation of local workforce investment areas. With regard to designations that are not automatic or temporary, the governor may approve a request from any unit of general local government (including a combination of such units) for designation as a local area if the board determines, taking into account the factors described in clauses (i) through (v) of subparagraph (B) of paragraph (1) of subdivision (a) of section one hundred sixteen of the federal Workforce Investment Act of 1998 (P.L. 105-220), and recommends to the governor that such area should be so designated;

(e) development of allocation formulas for the distribution of funds for adult employment and training activities and youth activities to local areas;

(f) development and continuous improvement of comprehensive state performance measures, including state adjusted levels of performance to assess the effectiveness of the workforce investment activities in the state;

(g) development of the statewide employment statistics system described in subdivision (e) of section fifteen of the Wagner/Peyser Act; and

(h) development of an application for incentive grants awarded by the secretary of labor to states that exceed the state adjusted levels of performance.

4. Subcommittees. The board may establish subcommittees to examine areas of particular interest or to assist it in monitoring the long term

needs of employers and job seekers and setting appropriate goals to address such needs. Such areas or needs may include, but are not limited to, incumbent workers, transitional workers, emerging workers, and apprenticeship.

5. Staffing. Staff support for the state board shall be provided by the department in consultation with appropriate workforce investment partners.

6. Conflict of interest. A member of the board may not (a) vote on a matter under consideration by the state board (i) regarding the provision of services by such member or by an entity that such member represents; or (ii) that would provide direct financial benefit to such member or the immediate family of such member; or (b) engage in any other activity determined by the governor to constitute a conflict of interest as specified in the state plan.

7. Removal. Any non-permanent member of the board may be removed by the governor for cause.

8. Transition. Whenever the job training partnership council, the job training partnership committee, or the job training coordinating council is referred to or designated in any general, special or local law, or in any rule, regulation, contract or other document, such reference shall be deemed to refer to the New York state workforce investment board.

9. Sunshine provisions. The state board shall make available to the public, on a regular basis through open meetings, information regarding the activities of the board, including information regarding the state plan prior to submission of the plan, information regarding membership, and, on request, minutes of formal meetings of the state board.